



Docket No. END-723

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Seth A. Forester et al.

Serial No. : 09/776,125 Art Unit:

Filed : February 2, 2001 Examiner:

For : METHODS AND DEVICES FOR DEFINING  
AND MARKING TISSUE

**RECEIVED**

FEB 19 2004

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Kimberly M. Moses

Name of person signing the Certificate

Kimberly M. Moses  
(Signature)

February 10, 2004  
(Date of Signature)

Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

[ ] In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months

of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

[ ] In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with [ ]the first or [ ] second After Final Submission, therefore:

[ ] Statement in Accordance with §1.97(e) (attached); or  
[ ] Please charge Deposit Account No. 10-0750/GSG/END-723 the fee of \$180.00 as set forth in §1.17(p).

[X] In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

[ ] Statement in Accordance with §1.97(e) (attached); or  
[ X ] Please charge Deposit Account No.10-0750/GSG/END-723 the fee of \$180.00 as set forth in §1.17(p).

[ ] In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

[ ] Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

[ ] In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

[ ] If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

[ ] There are no listed references which are not in the English language.

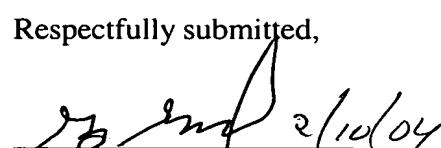
[X] The relevance of those listed references which are not in the English language is as follows: A translation of JP9766063 is provided.

[ ] Attached are copies of search report(s) from corresponding patent application(s).

[ ] Attached are the following non-published pending patent applications which may be deemed relevant.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/GSG/END-723. One original and two (2) copies of this Information Disclosure Statement are enclosed.

Respectfully submitted,

  
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